

To: 'Noah Perch-Ahern'[nperchahern@glaserweil.com]
From: Wirschafter, Joshua
Sent: Fri 5/13/2016 9:29:56 PM
Subject: RE: FOIA Request EPA-R9-2016-004460

.....
>>>>>>>>

I am told it's on FOIA online as of this afternoon.

From: Noah Perch-Ahern [mailto:nperchahern@glaserweil.com]
Sent: Friday, May 13, 2016 10:53 AM
To: Wirschafter, Joshua
Cc: Ted Weiss
Subject: RE: FOIA Request EPA-R9-2016-004460

Josh, thanks. Yes, per our call, this is fine, as long as we can pursue the purported CBI documents if necessary later. When will your production be complete? Thanks, -Noah

Glaser Weil

Noah Perch-Ahern | Partner

10250 Constellation Blvd., 19th Floor, Los Angeles, CA 90067

Main: 310.553.3000 | Direct: 310.556.7842 | Fax: 310.556.2642

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From: Wirschafter, Joshua [mailto:Wirschafter.Joshua@epa.gov]
Sent: Thursday, May 12, 2016 11:28 AM
To: Noah Perch-Ahern
Cc: Ted Weiss
Subject: RE: FOIA Request EPA-R9-2016-004460

Hi Noah and Ted,

I'm finalizing our FOIA response. Our letter on production of documents will include a restatement of the email chain below, without all the markup and back and forth. Also, I'd like to add one more restriction to point 4. Please confirm by email, or call me to discuss if this is of interest.

Thanks,

Josh

(415) 972-3912

1. All Burleson Consulting, Inc. reports to EPA concerning or related to the Leviathan Mine Site (beyond those previously copied by Glaser Weil, LLP during its visit to Region 9's Superfund Record Center).
2. All documents, filings, and communications, including the entire Consent Decree and Final Order, related to the BP Financial Assurance Settlement: any letters between EPA and BP/ Atlantic Richfield Co. ("ARC") about the CERCLA Financial Assurance Settlement in 2011, including any complaint or notice of violation, any Letters of Credit, and any demand for or payment of a penalty, as well as key communications between EPA and BP/ARC by emails, if readily available. No internal EPA communication is requested.
3. All issued or proposed financial assurances concerning or related to the Leviathan Mine Site, including any letters or credit, financial assurances, or insurance.
4. All communications between EPA and BP/ARC concerning issued or proposed financial assurances, letters of credit, or insurance related to the Leviathan Mine Site. No Confidential Business Information is requested at this time.

From: Noah Perch-Ahern [<mailto:nperchahern@glaserweil.com>]

Sent: Thursday, March 10, 2016 10:48 AM

To: Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov>

Cc: Ted Weiss <tweiss@glaserweil.com>

Subject: RE: FOIA Request EPA-R9-2016-004460

Hi Josh, thanks again for your help. Re your questions:

We appear to have the Burleson oversight summary reports through 2012, except for 2007. We don't have 2013-2015. We don't appear to have other types of Burleson reports that may exist.

Re your summary of our call, here are a few notes and minor edits in ALL CAPS and red:

1. All Burleson reports to EPA concerning or related to the Leviathan Mine Site. OK
2. ~~All documents, filings, and communications, including the entire Consent Decree and Final Order, r~~Related to the BP Financial Assurance Settlement: any letters between EPA and BP/ Atlantic Richfield Co. ("ARC") about the CERCLA Financial Assurance Settlement in 2011, including any complaint or notice of violation, any Letters of Credit, and any demand for or payment of a penalty, as well as key communications between EPA and BP/ARC by emails, if readily available. No internal EPA communication is requested. OK
3. All subsequent issued or proposed financial assurances concerning or related to the Leviathan Mine Site, including any letters or credit, financial assurances, or insurance. [ACTUALLY WE'D LIKE ALL THE FINANCIAL ASSURANCES THAT HAVE EVER BEEN IN PLACE OR PROPOSED FOR LEVIATHAN MINE, INCLUDING ONES THAT EXISTED, IF ANY, PRIOR TO THE SETTLEMENT/DISPUTE]
4. All communications between EPA and BP/ARC post-dating 2011 concerning issued or proposed financial assurances, letters of credit, or insurance related to the Leviathan Mine Site. [actually we'd like pre-2011 communications relating specifically to this subject, even if pre-2011]

We also discussed the fees for searching, reviewing, and copying documents related to this request. You agreed to pay at least

\$1,000, and you said that you would accept electronic copies of documents, rather than paper. [OF COURSE WE HOPE IT'S LESS THAN \$1,000, BUT WILL PAY MORE THAN \$1,000 IF NECESSARY. IF THE COSTS ARE GOING TO EXCEED \$1,500, PLEASE LET US KNOW SO WE CAN POTENTIALLY DISCUSS LIMITING OUR REQUEST]

Please let me know if you've any questions regarding the above.

Best,

Noah

Glaser Weil

Noah Perch-Ahern | Partner

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From: Wirtschaftfer, Joshua [<mailto:Wirtschaftfer.Joshua@epa.gov>]

Sent: Thursday, March 10, 2016 10:07 AM

To: Noah Perch-Ahern

Cc: Ted Weiss

Subject: RE: FOIA Request EPA-R9-2016-004460

Hi Noah and Ted,

As you know, we supported Noah's earlier visit to the regional record center and assisted him in sorting through thousands of Leviathan documents previously. Can you please give us a list of what "Burleson Reports" you already have, so we don't spend time producing those documents?

Also, I need to emphasize that we can't continue a document search without assurance that our FOIA response costs will be paid in full.

Thanks,

Josh

From: Wirtschaftfer, Joshua

Sent: Wednesday, March 09, 2016 5:51 PM

To: 'Noah Perch-Ahern' <nperchahern@glaserweil.com>

Cc: 'Ted Weiss' <tweiss@glaserweil.com>
Subject: FOIA Request EPA-R9-2016-004460

Hi Noah and Ted,

Thanks for taking the time to talk to be about narrowing your request under the Freedom of Information Act, number EPA-R9-2016-004460. There are four classes of "records requested" in your FOIA Request, and we agreed to edit these requests as shown below.

RECORDS REQUESTED

1. All Burleson reports to EPA concerning or related to the Leviathan Mine Site.
2. ~~All documents, filings, and communications, including the entire Consent Decree and Final Order, r~~Related to the BP Financial Assurance Settlement: any letters between EPA and BP/ Atlantic Richfield Co. ("ARC") about the CERCLA Financial Assurance Settlement in 2011, including any complaint or notice of violation, any Letters of Credit, and any demand for or payment of a penalty, as well as key communications between EPA and BP/ARC by emails, if readily available. No internal EPA communication is requested.
3. All subsequent issued or proposed financial assurances concerning or related to the Leviathan Mine Site, including any letters or credit, financial assurances, or insurance.
4. All communications between EPA and BP/ARC post-dating 2011 concerning issued or proposed financial assurances, letters of credit, or insurance related to the Leviathan Mine Site.

We also discussed the fees for searching, reviewing, and copying documents related to this request. You agreed to pay at least \$1,000, and you said that you would accept electronic copies of documents, rather than paper.

Please reply to this email and confirm that I have accurately captured our conversation.

Regards,

Josh

Joshua Wirschafter

Assistant Regional Counsel

U.S. EPA, Region IX

ORC-3

75 Hawthorne Street

San Francisco, CA 94105

(415) 972-3912